



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/615,359 | 07/08/2003 | Tony Mazzella | 30763.30017 | 8823 |
| 26781 | 7590 | 04/19/2006 | | |
| BROUSE MCDOWELL LPA 388 SOUTH MAIN STREET SUITE 500 AKRON, OH 44311 | | | EXAMINER DWIVEDI, MAHESH H | |
| | | | ART UNIT 2168 | PAPER NUMBER |

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/615,359 | Applicant(s) MAZZELLA ET AL. | |
| | Examiner Mahesh H. Dwivedi | Art Unit 2168 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **“3A”** on page 9 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 12, line 23 of the specification, **“31to”** should be changed to **“31 to”**.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2168

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, and 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abdel-Malik et al.** ("Abdel-Malik" (U.S. Patent 6,959,235)) and in view of **Hogue et al.** (U.S. Patent 6,000,942).

5. Regarding claim 1, **Abdel-Malik** teaches a method comprising:

A) providing an associated periodic inspection by an associated inspector (Column 7, lines 66-67-Column 8, lines 1-33);

B) providing at least a first inspection report generated in response to the associated inspection (Column 7, lines 49-64);

C) providing a computer operatively communicated to an associated computer network (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1);

D) operatively storing at least a first portion of the at least a first inspection report on the computer (Column 7, lines 49-64), wherein the at least a first portion of the at least a first inspection report is viewable over the associated computer network (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1); and

E) implementing a security means on the computer for use in selectively allowing an associated user-entity to view the at least a first portion of at least a first inspection report over the associated computer network (Column 4, lines 18-20, Figure 1).

The examiner notes that instituting "planned inspection dates" (Column 7, line 67) is analogous to coordinating a "**periodic inspection**". The examiner further notes

Art Unit: 2168

that "inspection results" (Column 7, line 56) is analogous to **"providing at least a first inspection report"**. The examiner further notes that the "operational parameter database 44 is the storage site for the operational data and information items that are transmitted" (Column 7, lines 49-51) is analogous to **"operatively storing at least a first portion of the at least a first inspection report on the computer"**. The examiner further notes that having "access via the Internet to information at the MDSC 20 may be password protected" (Column 4, lines 18-20) is analogous to **"implementing a security means on the computer for use in selectively allowing an associated user-entity to view the at least a first portion of at least a first inspection report over the associated computer network"**.

Abdel-Malik does not explicitly teach:

G) inspection of the associated lifting device

Hogue, however, teaches **"inspection of the associated lifting device"** as "Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer" (Column 3, lines 25-32, Figures 2 and 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue's** would have allowed **Abdel-Malek's** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32).

Art Unit: 2168

Regarding claim 5, **Abdel-Malik** further teaches a method comprising:

- A) storing at least a first portion of the at least a first inspection report in a database (Column 7, lines 49-64);
- B) wherein the database is operatively accessible by the computer (Column 4, lines 12-23, lines 33-42, Column 7, lines 49-64, Figure 1).

Regarding claim 6, **Abdel-Malik** further teaches a method comprising:

- A) storing at least a first portion of the at least a first inspection report in a database (Column 7, lines 49-64);
- B) wherein the database is operatively stored on the computer (Column 4, lines 12-23, lines 33-42, Column 7, lines 49-64, Figure 1).

The examiner notes that it is common knowledge that a database is stored in a computer.

Regarding claim 7, **Abdel-Malik** further teaches a method comprising:

- A) selectively sorting the database (Column 8, lines 34-49, Column 14, lines 16-34, Column 18, lines 56-62, Column 30, lines 20-23, Figure 16);
- B) wherein the sorted at least a first portion of the at least a first inspection report is selectively viewable over the computer network (Column 8, lines 34-49, Column 14, lines 16-34, Column 18, lines 56-62).

The examiner notes that it is common knowledge that is one “can browse the recommendation selection home page” (Column 30, line 22-23), then the database is sorted.

Regarding claim 8, **Abdel-Malik** further teaches a method comprising:

- A) providing a plurality of inspection reports generated in response to a plurality of associated inspections (Column 7, lines 49-65, Column 8, lines 34-49, Column 14, lines 16-34, Column 18, lines 56-62); and
- B) wherein the step of selectively sorting the database, includes: selectively sorting the database with respect to the history of the plurality of inspection reports (Column 8, lines 34-49, Column 14, lines 16-34, Column 18, lines 56-62);
- C) wherein the sorted at least a first portion of the plurality of inspection reports is selectively viewable over the computer network (Column 8, lines 34-49, Column 14, lines 16-34, Column 18, lines 56-62).

The examiner notes that it is common knowledge that “history database 50” (Column 8, lines 36-37) contains the entire history of inspections of repairs of a device.

Regarding claim 9, **Abdel-Malik** teaches a method comprising:

- A) providing a testing person qualified to operate the associated testing device (Column 7, lines 66-67-Column 8, lines 1-33);
- B) generating a test report responsive to an output from the associated testing device (Column 7, lines 66-67-Column 8, lines 1-33);

Art Unit: 2168

C) providing a computer operatively communicated to an associated computer network (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1); and

D) storing at least a first portion of the electronic test report on the computer (Column 7, lines 49-64), wherein the at least a first portion of the test report is viewable over the associated computer network (Column 4, lines 18-20, Figure 1).

The examiner notes that a “technician” (Column 8, line 18) is analogous to a **“testing person qualified to operate the associated testing device”**. The examiner further notes that a “summary inspection report” (Column 8, line 9) is analogous to **“generating a test report responsive to an output from the associated testing device”**.

Abdel-Malik does not explicitly teach:

E) providing an associated lifting strap testing device for testing the lifting capacity of the associated lifting strap, the associated testing device including associated software for use in processing test data;

F) performing the lifting capacity test on the associated lifting strap.

Hogue, however, teaches **“providing an associated lifting strap testing device for testing the lifting capacity of the associated lifting strap”** as “Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines” (Column 3, lines 25-32, Figures 2 and 5), **“the associated testing device including associated software for use in processing test data”** as “These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer” (Column 3, lines 25-32,

Art Unit: 2168

Figures 2 and 5)", and **"performing the lifting capacity test on the associated lifting strap"** as "Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer" (Column 3, lines 25-32, Figures 2 and 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue's** would have allowed **Abdel-Malek's** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32)

Regarding claim 10, **Abdel-Malik** further teaches a method comprising:

A) generating an electronic test report responsive to an output from the associated testing device (Column 3, lines 10-14, Column 8, lines 7-12).

The examiner notes that a "summary inspection report" (Column 8, lines 7-12) is analogous to **"an electronic test report"**.

Regarding claim 11, **Abdel-Malik** teaches a method comprising:

A) periodically individually testing devices (Column 7, lines 49-67-Column 8, lines 7-12);

B) generating a testing report responsive to each individual test (Column 7, lines 49-64);

Art Unit: 2168

C) providing a computer operatively communicated to an associated computer network (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1); and

D) storing the testing reports on the computer (Column 7, lines 49-64), wherein the plurality of testing reports are selectively viewable by the user-entity (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1).

Abdel-Malik does not explicitly teach:

E) providing a plurality of associated lifting devices for use by an associated user-entity;

F) a plurality of associated lifting devices for use by an associated user-entity.

Hogue, however, teaches “**providing a plurality of associated lifting devices for use by an associated user-entity**” and “**a plurality of associated lifting devices for use by an associated user-entity**” as “Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer” (Column 3, lines 25-32, Figures 2 and 5).

The examiner notes that the Figure 2 of **Hogue** depicts multiple straps 54 that are tested. The examiner notes that it is common knowledge that multiple straps are analogous to a “**plurality of associated lifting devices**”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue’s** would have allowed **Abdel-Malek’s** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32).

Regarding claim 12, **Abdel-Malik** does not explicitly teach a method comprising:

A) providing a plurality of associated lifting straps for use by an associated user-entity.

Hogue, however, teaches “**providing a plurality of associated lifting straps for use by an associated user-entity**” as “Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer” (Column 3, lines 25-32, Figures 2 and 5).

The examiner notes that the Figure 2 of **Hogue** depicts multiple straps 54 that are tested. The examiner notes that it is common knowledge that multiple straps are analogous to a “**plurality of associated lifting devices**”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue’s** would have allowed **Abdel-Malek’s** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32).

Regarding claim 13, **Abdel-Malik** further teaches a method comprising:

A) periodically testing devices (Column 7, lines 49-67-Column 8, lines 7-12).

Abdel-Malik does not explicitly teach:

B) testing the current lifting capacity of the plurality of associated lifting devices.

Hogue, however, teaches “**testing the current lifting capacity of the plurality of associated lifting devices**” as “Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense

Art Unit: 2168

force on the straps and provide electrical output signals in accordance with such force for processing in the computer” (Column 3, lines 25-32, Figures 2 and 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue’s** would have allowed **Abdel-Malek’s** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32).

Regarding claim 14, **Abdel-Malik** does not explicitly teach a method comprising:
A) providing an associated lifting capacity testing apparatus having associated software that electronically stores testing information responsive to the testing.

Hogue, however, teaches “**providing an associated lifting capacity testing apparatus having associated software that electronically stores testing information responsive to the testing**” as “Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer” (Column 3, lines 25-32, Figures 2 and 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue’s** would have allowed **Abdel-Malek’s** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32).

Regarding claim 15, **Abdel-Malik** further teaches a method comprising:

A) providing a microprocessor-based computer operatively communicated to the internet (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1).

Regarding claim 16, **Abdel-Malik** further teaches a method comprising:

A) sorting the testing reports with respect to the testing date (Column 18, lines 56-62).

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abdel-Malik et al.** ("Abdel-Malik" (U.S. Patent 6,959,235)) and in view of **Hogue et al.** (U.S. Patent 6,000,942) as applied to claims 1, and 5-16, and further in view of Fishfader (U.S. Patent 4,283,942).

7. Regarding claim 2, **Abdel-malik** does not explicitly teach a method comprising:
A) wherein the associated lifting device has an associated lifting strap.

Hogue, however, teaches "**wherein the associated lifting device has an associated lifting strap**" as "Force measuring devices such as load cells 56 are placed in series between the riser straps and the support lines. These load cells sense force on the straps and provide electrical output signals in accordance with such force for processing in the computer" (Column 3, lines 25-32, Figures 2 and 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue's** would have allowed **Abdel-Malek's** to measure the load on lifting straps, as noted by **Hogue** (Column 3, lines 25-32).

Abdel-Malik and Hogue do not explicitly teach the step of;

B) an associated lifting chain.

Fishfader, however, teaches “**an associated lifting chain**” as “the load measuring device of the present invention is used in combination with a chain link and may be used to provide for the measurement of the load to which the ends of the link are subjected” (Column 1, lines 9-12)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Hogue’s** and **FishFader’s** would have allowed **Abdel-Malek’s** to provide a method to measure loads on differing lifting devices including chains, as noted by **Fishfader** (Column 1, lines 9-32).

Regarding claim 3, **Abdel-malik** further teaches a method comprising:

A) operatively storing an inventory list of the at least a first portion of the at least a first inspection report on the computer (Column 10, lines 7-25);

B) wherein the inventory list is viewable over the computer network (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1).

Regarding claim 4, **Abdel-malik** further teaches a method comprising:

A) operatively storing a summary list of the at least a first portion of the at least a first inspection report on the computer (Column 8, lines 7-12);

Art Unit: 2168

B) wherein the summary list is viewable over the computer network (Abdel-Malek, Column 4, lines 12-23, lines 33-42, Figure 1).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,244,388 issued to **Pratt** on 06 July 1993. The subject matter disclosed therein is pertinent to that of claims 1-16 (e.g., Measuring and reporting load capacity for straps and chains).

U.S. PG PUB 2003/0197094 issued to **Preston** on 23 October 2003. The subject matter disclosed therein is pertinent to that of claims 1-16 (e.g., Measuring and reporting load capacity for straps and chains).

U.S. Patent 5,644,725 issued to **Schmerer** on 01 July 1997. The subject matter disclosed therein is pertinent to that of claims 1-16 (e.g., Verifying and managing inventory).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi

Patent Examiner

Art Unit 2168



April 12, 2006



Leslie Wong

Primary Examiner